

ADAMS, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

WILREV, INC.,)	CASE NO. 5:07CV3768
)	
Plaintiff,)	
)	JUDGE JOHN R. ADAMS
v.)	
)	<u>ORDER</u>
AMERICAN LEAK)	[RESOLVING DOCS. 8 and 13]
DETECTION, INC., et al.,)	(<i>NUNC PRO TUNC</i> AS OF AND
)	FOR JUNE 9, 2008)
Defendants.)	

I.

This action is before the Court upon plaintiff's Motion to Strike (Doc. 8). The Court has reviewed the memorandum in support, memorandum in opposition (Doc. 10), and reply memorandum (Doc. 11). The motion is DENIED.

"R.C. 1703.29(A) does not prevent an unlicensed corporation from defending a suit brought against it in Ohio." *P.K. Springfield, Inc. v. Hogan*, 86 Ohio App.3d 764, 769 (1993), citing *Colegrove v. Handler*, 34 Ohio App.3d 142, 145 (1986). In *Colegrove*, the Ohio Tenth District Court of Appeals determined that Ohio Rev. Code § 1703.29 did not prevent an unregistered company from seeking a stay of the proceedings pending arbitration. *Id.* This Court agrees with *Colegrove's* conclusion. *See also Tomovich v. USA Waterproofing & Foundation Services, Inc.*, No. 07CA009150, 2007 WL 4146772, at *4 (Ohio App. 9 Dist. 2007).

Plaintiff shall serve and file a memorandum in opposition to defendants' Motion to Dismiss or Stay Pending Arbitration (Doc. 4) on or before **July 7, 2008**.

Defendants shall serve and file a reply memorandum in support of the motion, if any, **within ten (10) days** after service of the memorandum in opposition, excluding intermediate Saturdays, Sundays, and legal holidays.

II.

This action is also before the Court upon defendants' Motion for Continuance of Case Management Conference or to Schedule Motion Hearing in Lieu of and Request to Excuse Personal Attendance of Defendants' Representative (Doc. 13). For good cause shown, the Motion for Continuance is GRANTED.

The Case Management Conference ("CMC") set for Monday, June 16, 2008, is canceled. All counsel and/or parties will take notice that the above-entitled action is reset for a CMC on **Thursday, August 14, 2008, at 12:00 noon**, before the undersigned in Conference Room 588, U.S. Courthouse, 2 South Main Street, Akron, Ohio (Photo ID is required to enter the courthouse). **Lead counsel, parties with full settlement authority, and a representative with full settlement authority of any Insurance Carrier must be present and have calendars available for scheduling.** LR 16.3(b).

IT IS SO ORDERED.

June 17, 2008

Date

/s/ John R. Adams

John R. Adams
U.S. District Judge